

July 28, 2023

Via ECF & E-Mail

Hon. Analisa Torres
United States District Judge
United States District Court
for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *Linda M. Freedman, et al. v. Michael F. Rakosi, et al.*
Civil Action No. 1:23-cv-00472(AT)(SA)

Dear Judge Torres:

We are counsel to plaintiffs Linda Freedman and Stanley Sperber (“Plaintiffs”) in the referenced matter and provide this pre-motion letter in accordance with your Individual Practices Rule IV.A(i).

Plaintiffs seek to move to substitute three redacted exhibits contained in their recently-filed motion for a temporary restraining order and preliminary injunction (the “motion”) (ECF No. 81-87 and 93) in place of three exhibits that were not previously redacted and that contain sensitive personal and financial information. Defendants have consented to Plaintiffs’ motion.

After Plaintiffs’ motion was filed, Maxwell Breed, counsel for Michael Rakosi (“Rakosi”), notified us that Exhibit B to the declaration of Adam Jernow in support of the motion (“Jernow Declaration”) (ECF No. 85-2 and 93-2) contained sensitive information about individuals who are not parties to this case, along with bank account numbers. Thereafter, Plaintiffs re-reviewed all of the documents attached as exhibits to declarations filed in support of the motion and discovered that Exhibit 4 to the declaration of Linda Freedman in support of the motion (“Freedman Declaration”) (ECF No. 83-4) and Exhibit H to the Jernow Declaration (ECF Nos. 85-8 and 93-8) also inadvertently included sensitive financial and other information.

Plaintiffs previously informed the clerk of their intention to file these Exhibits in redacted form, and the clerk placed the Exhibits under seal pending a ruling by the Court.

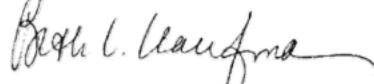
July 28, 2023
Hon. Analisa Torres
Page 2

The Court's Individual Practices Rule IV.A(i) provides that, in addition to those matters subject to filing under seal or redaction without court approval under Federal Rule 5.2, "[o]ther information . . . should be treated with caution and may warrant a motion for approval of sealed or redacted filing includes: . . . employment history, individual financial information . . . [and] home addresses . . ." Rule IV.A(i) goes further to advise that "[s]ensitive information or information requiring caution must not be included in any document filed with the Court unless such inclusion is necessary and relevant to the case."

The attached proposed substitute exhibits redact only the names of individuals who are not parties to this litigation, their phone numbers, and references to bank account numbers held by the Partnerships. *See* Attachments 1-3 hereto (proposed replacements for Exhibits B and H to the Jernow Declaration (ECF Nos. 85-2 and 93-2; 85-8 and 93-8) and Exhibit 4 to the Freedman Declaration (ECF No. 83-4)). Such redactions are narrowly tailored to protect the sensitive information. *See, e.g., Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006).

We thank the Court for its consideration of this pre-motion letter.

Respectfully yours,



Beth L. Kaufman

GRANTED.

SO ORDERED.

Dated: July 31, 2023
New York, New York



ANALISA TORRES
United States District Judge